

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESA MANAGEMENT, LLC,

Plaintiff,

v.

RAYNA BETTS, *et al.*,

Defendants.

CASE NO. C23-0763-JCC

ORDER

This matter comes before the Court on Plaintiff’s motion to remand (Dkt. No. 5). Having thoroughly considered the briefing and relevant record, including Defendant’s amended notice of removal, the Court GRANTS in part and DENIES in part Plaintiff’s motion, for the reasons described herein.

Plaintiff filed an unlawful detainer action in Snohomish County Superior Court in April 2023. (Dkt. No. 1-1.) Defendant Rayna Betts removed the action to this Court in May 2023, asserting various defenses based on federal law. (Dkt. No. 1.) Plaintiff asks the Court to remand the case pursuant to 28 U.S.C. § 1447(c), citing this Court’s lack of subject matter jurisdiction, *i.e.*, a lack of diversity and/or federal question jurisdiction. (*See generally* Dkt. No. 5.) Plaintiff also requests its fees and costs. (Dkt. No. 5 at 7–8.)

The Court has subject matter jurisdiction over a case where the matter (1) arises under the Constitution, laws, or treaties of the United States, 28 U.S.C. § 1331, or (2) has an amount in

1 controversy exceeding \$75,000 and there is complete diversity, 28 U.S.C. § 1332. Here, the
2 Court concludes that it lacks subject matter jurisdiction over this matter. Plaintiff's alleged claim
3 arises solely under Washington state law. The defenses raised in the removal notice do not confer
4 federal question jurisdiction. *See Provincial Gov't of Marinduque v. Placer Dome, Inc.*, 582 F.3d
5 1083, 1086 (9th Cir. 2009). Nor would it appear, from the face of the complaint, that the parties
6 are completely diverse. As such, **remand is warranted**.

7 At the Court's discretion, attorney fees and costs are recoverable where the removing
8 party "lacked an objectively reasonable basis for seeking removal." *Martin v. Franklin Capitol*
9 *Corp.*, 546 U.S. 132, 141 (2005). Given the fact that Defendant is proceeding *pro se*, the Court
10 will presume, at least in this instance, that she is unfamiliar with the implications of her actions.
11 Accordingly, **the Court declines Plaintiff's request for attorney fees and costs**.

12 For the foregoing reasons, Plaintiff's motion to remand (Dkt. No. 5) is GRANTED in
13 part and DENIED in part. The Clerk is DIRECTED to remand this case to Snohomish County
14 Superior Court.

15 DATED this 23rd day of June 2023.

16
17
18
19
20
21
22
23
24
25
26



John C. Coughenour
UNITED STATES DISTRICT JUDGE